

REMARKS

Independent claim 1 has been amended for clarity and to more clearly distinguish the claimed invention over the references that were cited and relied upon.

Claims 1-9 and 12 were rejected as obvious based upon the combination of the Yamauchi '917 and the Rodenbeck et al. '81 references. The Yamauchi reference relates to an access system based upon a computer, a mobile telephone, and an output device to which access is controlled. An authentication number is requested from the computer through the mobile telephone and transmitted by the computer to the mobile telephone and to the output device. The output device stores the received authentication number in a buffer storage unit. To use the output device, a user transmits the authentication number from the mobile telephone to the output device. The output device then compares the authentication number received from the mobile telephone with the authentication number stored in the buffer storage unit, and when those numbers found to be in agreement access to the output device by the user is enabled.

Although the Yamauchi reference discloses an access control method, it does not disclose or suggest the step claimed in amended claim 1 of transmitting from a portable radio terminal over a short-range radio link to a transmitter unit associated with a restricted area to which access is sought by the user the access code received by the portable radio terminal from the central computer, because it does not disclose or even suggest a transmitter unit associated with a restricted access area. Additionally, the Yamauchi reference also does not disclose or

suggest the step claimed in amended claim 1 of transmitting the access code from the transmitter unit associated with the restricted area to the central computer. Indeed, there is no communication from the output device of the Yamauchi reference to the mobile telephone of the Yamauchi reference, nor is there a communication from the Yamauchi output device to the Yamauchi computer. There is no disclosure in the Yamauchi reference of a closed-loop-type of communication arrangement of the kind claimed in amended claim 1.

The deficiencies of the Yamauchi reference disclosure and the differences between the Yamauchi arrangement and the herein-claimed invention were acknowledged on page 3 of the Action, and reliance was placed upon the Rodenbeck et al. reference as disclosing those deficiencies.

The Rodenbeck et al. reference discloses an access control system that is different from that disclosed in the Yamauchi reference and that is also different from that claimed in amended claim 1. In the Rodenbeck et al. arrangement there is no portable radio terminal or mobile telephone utilized by a user for obtaining access to a restricted area, but, instead, there is disclosed a user-carried token that contains user-related information. And although the Rodenbeck et al. reference discloses a computer that communicates with a remote access control system, there is no communication between the computer and the user. In fact, the user is completely passive in that he merely approaches the restricted access area, and is allowed entry if his token is recognized by the remote access control system as one associated with an authorized user. Thus, the Rodenbeck et al. system does not disclose or suggest each of the individual method steps that are

claimed in amended claim 1. Again, as was the case with the Yamauchi reference, there is in the Rodenbeck et al. reference no closed-loop-type of communication arrangement. The Rodenbeck et al. reference does not disclose two-way communications between a computer, a portable radio terminal of a user, and a transmitter associated with a restricted access area.

In addition to the fact that neither of the references relied upon by the examiner individually shows or suggests the claimed method, even if the disclosures of the references were attempted to be combined in some way, and no such way is disclosed in either reference, the combination of their teachings would not show or suggest the claimed method. As noted above, neither of the references discloses or suggests a transmitter unit associated with a restricted area, the step of transmitting from the transmitter unit an access code associated with the restricted area to a central computer, or the step of comparing in the central computer an access code received from the transmitter unit with a stored access code that is transmitted by the central computer to a user's portable radio unit. And because both references lack a disclosure of those steps, their combination cannot be said to teach or suggest such method steps.

Furthermore, the references relied upon each relate to vastly different access arrangements involving different hardware devices and utilizing different methods. And because of the different hardware devices and different operating modes for the arrangements disclosed in the two references, there would be no motivation for one to combine them. Moreover, the references themselves contain

no disclosures that would motivate one to even attempt their combination. Only by some hindsight guidance gleaned from knowledge of what is contained in the present disclosure would one even consider the disparate references that were relied upon, and would one even attempt to combine their teachings in some way. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught. It is therefore urged that there is no motivation to combine the teachings of the Yamauchi and Rodenbeck et al. references, nor would their combination, if attempted, render obvious the invention as it is claimed in amended claim 1.

Claims 2-9 and 12 each depend from amended claim 1, either directly or indirectly, and therefore those dependent claims are also not obvious based upon a combination of the Yamauchi and Rodenbeck et al. references. Moreover, each of those dependent claims includes additional recitations that when combined with the recitations contained in amended claim 1 further patentably distinguish the inventions as so claimed from a combination of those references.

Claims 10 and 11 were rejected as obvious based upon the combination of the same references as were applied to the rejection of claim 1, together with the Strobel et al. '300 reference. It was acknowledged at page 6 of the Action that as to claim 10 "Yamauchi in view of Rodenbeck et al. did not explicitly disclose wherein the access code transmitted from the restricted area to the central computer includes a network address associated with the restricted area," and at

page 7 of the Action that as to claim 11 “Strobel et al. disclose the step of utilizing the access code to encrypt information that is transmitted from the restricted area to the central computer.” In that regard, the Strobel et al. reference relates to a method for the delivery and printing of documents in a secure manner. It has nothing to do with controlling access to a restricted area. And as was the case with the Yamauchi and Rodenbeck et al. references, the Strobel et al. reference does not disclose or suggest the method steps that are not disclosed by either of those references that were the basis for the rejection of claim 1, as pointed out above. Therefore, even if those three references were to be attempted to be combined in some way, which is not disclosed or suggested in either of those references, no such combination would disclose or suggest the invention as it is claimed in amended claim 1, from which each of dependent claims 10 and 11 depend, either directly or indirectly. And those dependent claims are therefore not obvious based upon the asserted combination of references.

Additionally, it is submitted that the only possible motivation for attempting to combine the references in the manner suggested by the examiner is the present disclosure. And to use the teachings of the present invention to assemble references that are directed to different arrangements, and then to identify and to attempt to combine individual discrete aspects of such references, to pick and choose individual disclosed features of the disparate individual references, would involve an improper hindsight reconstruction of the prior art while having applicant's invention in mind. It also amounts to using against an inventor that which only he has taught. Thus, one having only ordinary skill in the art would not be led by the

references to combine the teachings of those references in the manner the examiner has done.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the references that were relied upon, whether those references be considered in the context of 35 USC 102 or of 35 USC 103. Consequently, this application is believed to be in condition for allowance, and therefore reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this Amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', written over a large, stylized, teardrop-shaped graphic element.

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